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SOME VIEWS ON INSANITY.

BY HON. GEORGE M. CURTIS,
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I think it will be conceded by the most eminent mental alienists that insanity is growing annually more frequent in this country, and I attribute this largely to the great increase of wealth among the mass of the people and the facilities that it gives for dissipation and sensual enjoyments. Then, too, there are the excessive use of alcoholic stimulants, and the increased mental activity demanded by the competition in the various branches of business and in the learned professions. It is undoubtedly true that some of the severest types of insanity are caused by excessive indulgence—by a violation of the seventh command. The present system of incarcerating alleged lunatics is one that should be altered by the legislative power of the commonwealth. To illustrate: if a man is on trial for his life, charged with a capital offense, and the defense is insanity, he must prove in the most overwhelming manner by a cloud of witnesses, that at the time the offense was committed he was legally irresponsible for his act. On the contrary, if a conspiracy be entered into between malicious or interested persons to obtain the control of the property and to seize the person of another, two physicians, perhaps unable to diagnose a case of fever, can start the machinery of the law in motion, place a man in a lunatic asylum, and before he can be legally rescued he may become mad in point of fact by reason of his troubles, the mental strain upon him, and the actual contact with the insane. The natural and rational remedy suggested by this state of affairs is obvious. I would have a commission created by law of such men as Dr. Allen McLane Hamilton, Dr. M. P. Field, Dr. McDonald and Dr. Chalmers, before whom in the first instance, all applications to confine persons as lunatics and to place guardianship or control over their property, should be submitted. These Commissioners should have the full power of the Supreme Court in the premises, with authority to send for and examine all persons interested in favor of the application, likewise those opposed to it, and upon their final determination, aided by the expert testimony

of their own profession, the destiny of the alleged lunatic should depend in the first instance. This suggestion is by no means intended to convey the idea that the alleged lunatic could constitutionally be deprived of his right of trial by jury, guaranteed to him by the organic law of the land; the object of it is, to call attention to the natural and legal safeguards which should be thrown around the mode and motives of his original incarceration. I do not think that any objection to this system could be well founded upon the suggestion, that the business of the Commissioners would be so great as to prevent their fully attending to it; but if such should be the fact, additional Commissioners of the same high mental and professional grade as those to whom I have referred, could be appointed. It will be observed that the question of insanity enters very largely into the administration of public justice in this country, particularly in criminal jurisprudence and the settlement of will contests, where it is alleged that the decedent had not testamentary capacity. Most of the wills are contested and fought upon the ground either of undue influence, or want of testamentary capacity, or both. The first ground, to some extent, is intimately connected with the second, and is resultant of it. In this State the leaning of the courts is strongly in favor of upholding wills as made, unless they are upon their face extravagant, illegal or absurd; and so far has this doctrine gone that it is held in this and other States that a man is competent to make a will even if he is insane in some direction, providing it appears that in relation to the will itself and its provisions, his mind is clear and normal. For instance: A man's mind may be unbalanced in certain directions and in reference to certain subjects, and still be healthy and normal in relation to the disposition of his property. At one time it was rather doubted that a person who believed in Spiritualism was capable of making a will that would stand the legal test. This, however, is not the law.

Spiritualism may, or may not be a delusion, but a person who believes in it is not, and cannot be regarded by the law as insane. It is looked upon, so far as the legal principle is concerned, as a religious belief. A person may have sane and insane delusions in regard to Spiritualism as in regard to any other subject matter. Sane delusions are those out of which one may be reasoned. Insane delusions are those of which one's mental capacity cannot divest itself. The most familiar and striking illustration of Spiritualism entertained as a belief by an undoubtedly sane mind, is that of a most eminent advocate of the highest culture, of the greatest legal attainments and the most lovely personal character, who has

recently appeared as the eloquent and able champion of this belief.

Said Galileo: "The world moves;" and in this same spirit of progress the treatment of the insane in the last one hundred years has been revolutionized. As late as a century ago, not only in this country, but in England, the insane were confined more as malefactors than as medical patients, and as a rule were restrained in cells, and often chained to the floor. That the present intent of the constituted authorities in the different States is to ameliorate the condition of the insane and to restore them by kind treatment to their normal mental condition, is beyond doubt, but all systems thus far devised have had grievous defects. A conspicuous one is in the character of the attendants who are selected to watch over the patients. Of course for these positions one cannot obtain men of culture or a high grade of mental ability, and the consequence is, that the inevitable outbursts of emotion on the part of the insane are too often met by violence and brutality on the part of attendants of both sexes. Where this occurs one sees at once the radical impossibility of affecting a change in the mind of a patient, who, for the purposes of a cure, should be treated with kindness and forbearance. To remedy this, a higher order of men and women should be enlisted in the service of the hospitals. I have no doubt that the leading physicians in all our institutions are high minded and honorable men, who do their duty thoroughly and cheerfully, but they cannot be held responsible for the acts of brutality of their subordinates. One thing in the treatment of the insane in lunatic asylums should be carefully supervised, and that is the question of diet. There is an intimate and positive relation between the physical and mental condition of the patient. This part of the duty of subordinates is too often criminally neglected. 'Tis undoubtedly true that many sane persons are confined in lunatic asylums, and the chief cause of this lamentable fact is, that the diagnosis of their cases is too often made by incompetent physicians, who know nothing of the subject of mental alienation.

I remember a case in which I was called on to examine a young physician who undertook to give evidence as an expert. His cross-examination developed the fact that he was entirely ignorant of even the fundamental principles of his profession, and yet this man had signed the certificate that the respondent was insane. It is undoubtedly true that the medical profession itself furnishes very few experts who have even the semblance of knowledge of the subject of mental alienation. The cause of this is,

that their time being given to general practice, they have no opportunity to give a proper study to this specialty, and the result is that hundreds and hundreds of sane men and women are incarcerated yearly in lunatic asylums, and their property diverted and destroyed. To illustrate this last observation; people at different times have successfully simulated insanity, having a purpose to serve by doing so. This may be done even in the presence of an able physician, who gives, in the hurry of the moment, but a superficial examination; but it can never succeed when the examiner is competent, and has ample time and opportunity in which to continue his investigation. It is clear that while the intent of the law and its administration are correct, the practical workings are inoperative and oftentimes unjust.

One of the most remarkable causes in which the defense of insanity has ever been pleaded was that of the Commonwealth *v.* Buford, tried in Owenton, Kentucky, in the year 1879. The defendant was a man of remarkable natural abilities, of an historic family and of dauntless personal courage. He was a great student of the Bible, a fine political speaker and his knowledge of the political history of his country was surpassed by no man that I ever knew with the exception, possibly, of Stephen A. Douglass. The religious traits in his character were conspicuous. He believed, in the language of one of the witnesses on the trial, in the self-evident truths of Christianity, in the manifest beauties and conceptions of the Sermon on the Mount. He loved to read the Book of Job, which Daniel Webster declared as an epic poem to be superior to the Iliad or Odyssey of Homer. He delighted in reading the Psalms; he rejoiced in the Book of Revelations. Yet this character, so bountifully endowed by nature and chartered by Deity to accomplish great results was a life failure. In a moment of vengeance he reaped upon Chief Justice Elliott, of the Court of Appeals of the State of Kentucky, his disappointed malice and slew that brilliant jurist almost in the Temple of the Law.

The immediate motive power of the act was a decision rendered by the Court of Appeals, of which Judge Elliott was the mouth-piece, adverse to the interests and claims of Colonel Buford in an important litigation.

There could, of course, be but one defense and that of insanity, interposed to save the scion of an illustrious house from the ignominy of the gibbet. That defense *was* insanity, and there is but little doubt remaining in my mind that the defense which was set up in his case was justified by the facts and by the personal history of the defendant subsequent to his acquittal.

It was proven on the trial of his case by the evidence of Mrs. Merriwether, that he was, beyond controversy, the victim of hallucination. She states in her testimony that she was for many years acquainted with Colonel Buford, that he often came to her house, that he frequently stayed there for a night, and she narrates one or more occasions on which, hearing him walking on the corridor, she got out of bed, put on her clothing and went up to where he was passing to and fro, up and down, talking, mumbling, cursing, muttering to himself, and she inquired the reason of his unrest; and this memorable answer was given, that he had been in communication with his sister's spirit, and he frequently declared to Mrs. Merriwether that he both saw and communed with his sister. Perhaps it is unnecessary to state, in point of fact, that the sister to whom he referred had been dead for many years at the time spoken of. But that Colonel Buford believed that he had direct communication with the spirit of his departed sister, and that that communication had a real and positive effect upon the acts of his life, was proven beyond any reasonable doubt.

The whole doctrine in that case contended for on the part of the accused was, perhaps, to an extent, presented to the jury in the following language, made use of by me in my argument for the defendant:

"I do not contend, gentlemen of the jury, that a slight departure from the ordinary conduct of an individual, or an eccentricity, as it may be termed, constitutes or typifies the condition of mental unsoundness. Acts of eccentricity in themselves are but rivulets that feed the mighty stream of madness, but in this case we have proven that the great central idea in the dominion of Buford's mind was that he had been wronged, pillaged and despoiled, and around the central delusion of his mind, with fascinating, hideous planetary regularity, revolved all the conceptions of his soul; and when he saw by the last adverse decision of the Court of Appeals his last hope on earth disappear, his mental battalions broke in panic and dissolved. Then came the cataract of the frenzy that overthrew the will power; then came with its resistless rush that stream of frenzy that carried to death and eternity the life of Judge Elliott; that startled all mankind with a tragic horror unexampled in the history of the jurisprudence of the world."

Colonel Buford was finally acquitted by a jury and died in the lunatic asylum at Anchorage, near Louisville, Ky., of confirmed paresis.

Another very remarkable case is that of Dr. Henry T. Helmbold, a character very well known in this country and abroad

twenty years ago. He was born in the city of Philadelphia and was a chemist by profession. He prepared a very successful specific known as "Helmbold's Buchu," and by his energy and sagacity he founded a business that extorted revenue from all the nations of the earth, that brought him a golden harvest as the reward of a commercial enterprise so broad, liberal and comprehensive that, while it had its origin in the Great Republic, it lost not sight of the remoter realms of China and the people dwelling on the banks of the Ganges. His income for many successive years was in the neighborhood of half a million dollars. Yet this man has passed the greater portion of his life in insane asylums in this country and abroad. He married some twenty-five years ago one of the most beautiful women of her country and her time. So conspicuous was her loveliness that in Paris she was hailed by its discerning people as the Queen of Beauty.

Dr. Helmbold's insanity was and is of a peculiar type. When sober and unexcited by the influence of alcohol, he is a profound, shrewd man of business, making contracts advantageous to himself and conceiving business plans that have brought golden results. He was, it can be said with great confidence, the father, inventor and founder of that stupendous and costly system of advertising in which, during the last twenty-five years, he has been so largely imitated by A. T. Stewart, P. H. Drake, Demas Barnes, Dr. Schenck and others. When under the influence of liquor, he seemed mentally to be entirely transformed, and became the victim of many painful hallucinations. Perhaps the explanation of this marked distinction of conduct is to be found in the fact that alcohol developed a latent and hereditary predisposition to insanity.

I appeared for him in very many important civil controversies relating to his business, trademark and proprietary rights, and in all these I was struck with his remarkable intelligence and natural clearness of mind. It was only under the influence of liquor that his normal mental characteristics of strength and brilliancy seemed to capitulate. I had the good fortune to be successful in several efforts made to secure his liberation from insane asylums and the doctor is now living happily and contented with his lovely wife and interesting children at her beautiful country place in this State.

Very few of our citizens of the present generation will forget what is known in medico-legal jurisprudence as the Rhinelander Case. In the Summer of 1884, the community was startled by the report that John Drake, an able and experienced lawyer, had been shot

in his office by William Rhinelander, a scion of the house of that name. The wealth, social and pecuniary influence of the Rhinelanders were invoked to shield the young man from the consequences of his act by the plea of insanity.

He, however, absolutely justified it upon the ground that Drake had attempted to alienate the affections of his wife from him, and had persisted in this course after he had warned the lawyer to depart from his alleged vicious ways. I am constrained to say that throughout this whole investigation, which was so lengthy and tedious, there was no positive evidence presented of the guilt of Mr. Drake, and I cheerfully pay this tribute to his memory as an act of justice, because, at the time I made the argument for young Rhinelander, I entertained somewhat of a different view, based upon *his* assertions and the facts and data which were grouped around the hearing.

The family to which Rhinelander belonged was a very opulent one, owning a vast amount of real estate in the heart of the metropolis, exercising great social influence and enjoying great social prestige. The effort on their part was to show that the defendant, William Rhinelander, had a homicidal mania, and if he was not restrained in the control of his person or his conduct he would undoubtedly slay himself or some other individual. The true condition of Rhinelander's mind, on the evidence, seems to have been that of a highly cultured, intelligent person, with a woeful perversion of the will power, and obstinate to the last degree. And so it was that, when his relatives objected to his alliance with Mary McGuinness, who was a serving woman in the family, he immediately married that lady. It is with great pleasure that I state that Mrs. Rhinelander was, and is, a lady of modesty, irreproachable conduct and respectable lineage.

Two of the commissioners appointed by the court to inquire into the sanity of William Rhinelander, reported him insane; the third, the Hon. Edward Patterson, pronounced him, for all the purposes of the law and the scientific principle, a sane man, and his view, which was most ably expressed in his opinion, was that afterwards adopted by Recorder Smyth, before whom the matter came in the channel of appeal. Recorder Smyth gave to this case the great benefit of his exhaustless energy, profound learning and strict integrity, and the fact that young Rhinelander is at large to-day is due to the conscientious investigation which the Recorder gave to the voluminous evidence and complicated questions of law presented in the record of this *cause celebre*.

The Anderson Will Case seems to have revolutionized the law applicable to testamentary contests. John Anderson was an old citizen of New York, and at the time of his decease had accumulated a large fortune, variously estimated, but which, on the best authority, seems to have consisted, in real and personal property, of about two and a half millions of dollars. He devised the bulk of his fortune to his son, John Charles Anderson, and what is known as the Anderson Will Case was an attempt on the part of his granddaughter, Mary Maud Watson, to defeat the devise of his son, John Charles. In this case I represented Mrs. Watson, and was opposed by a most formidable bar, of whom the leaders were ex-Recorder Smith and ex-Judge Arnoux.

These two eminent *nisi prius* lawyers were assisted by a strong array of the best conveyancing talent in the United States. I fought the case on two grounds: First, want of testamentary capacity on the part of the decedent; second, undue influence exercised upon and over the decedent by those interested to procure the testament in dispute. There were two trials of this case. On the first, the very able and experienced judge who presided, after the plaintiff had submitted her case, and after giving the question an exhaustive consideration, dismissed the complaint upon the ground, substantially, that under the law of this State it had not been established *prima facie* by the plaintiff upon all the proof presented that the decedent was a person of unsound mind. I took an appeal to the General Term of the Supreme Court, and that tribunal, after giving months of consideration to the case, came to the conclusion that it was the right of the plaintiff to go to the jury upon the evidence she had presented on the first trial, and therefore, ordered a new hearing. It was a very close question, and it is impossible to decide how the Court of Appeals would have passed upon it, because the defendants, instead of taking an appeal to that tribunal, invoked the destinies of a new trial.

The contestant sought to prove that the decedent's mind had become weakened to such an extent by a belief in a communication with the spirits of the departed that it was easily susceptible to influence, and in that condition was acted upon by persons antagonistic in interest to Mrs. Watson, themselves the beneficiaries under the will; and still I believe that if the defendants had not put a witness upon the stand they would have won the case on the second trial. They supplied evidence that was wanting to support the allegation of undue influence.

The action brought was one in ejectment against John D. Phyfe and James Campbell, they claiming under a deed from John Charles Anderson, the chief beneficiary under the will. The reply to this set up want of testamentary capacity and undue influence, as I have stated. After a long trial, occupying over a month, the jury found a verdict for Mrs. Watson.

The last case to which I will call attention in this paper is that of Harriet Elizabeth Coffin. On her mother's side she is the granddaughter of the late Commodore Collins; on her father's side, the grandchild of the late Judge Coffin of Cincinnati. She had all the advantages that wealth, culture and affection could bestow upon her, and she is naturally a person of more than mediocre ability. She was sent to me by an eminent mental alienist, with a request that I would see that her legal rights were protected in a litigation that was then impending, for the purpose of restraining her personal liberty and taking the care and custody of her property.

Her physical diagnosis, when I first saw her, can be stated about as follows: She was of the nervous, sanguine temperament, dark eyes and hair, and would have been extremely prepossessing in appearance but for an unsightly eruption upon the skin of the face, caused, undoubtedly, by some irregularity or disease of the liver. She had something of that appearance which is observable in sufferers from Bright's disease, in the initial stages of that terrible disorder. She was highly nervous and excitable, but no positive trace of mental alienation could be discovered, except in one direction. She had a passionate, almost abnormal affection for a popular play-actor, Mr. Kyrle Bellew, a gentleman whom she had never met and whom she had only seen upon the stage and in the street. There is but very little question that upon the subject of Kyrle Bellew she was unbalanced, but it did not seem to affect the strength of her general faculties, because in a business direction she was eminently shrewd and practical, taking great care of her own person, its safety, and also being successfully solicitous about her money.

Proceedings, however, were taken against her to adjudge her a lunatic, and the trial was had before Hon. John H. Judge and Dr. Chalmers, who sat with a sheriff's jury to hear the cause. Certainly on the evidence submitted at that hearing, Miss Coffin was a sane woman, so far as the legal and scientific principles are concerned, but Judge Barrett, in a review of the case, warmly criticized the action of the jury and intimated that their decision was not based upon a sound and proper construction of

the evidence before them, and he gave the petitioners the right to bring the cause on again for trial if they saw fit to do so. They took no advantage, however, of this privilege, and the case of Miss Coffin seemed to have passed out of public recollection, when interest in her was again revived by some extraordinary and eccentric acts on her part in relation to Mr. Bellew and another person. She was again apprehended, and this time I refused to appear for her, because I did not wish to take upon myself the responsibility, even if that should have been the result of my labors, of turning her loose upon society and against herself. She was sent, I believe, to the insane asylum at Middletown, where she now is.

At the time I first saw her she was certainly curable. All that she needed was absolute quiet and rest, change of scene, a voyage abroad, specific treatment for the liver and the nerves, and in a very short time, I have no doubt, she would have been restored to perfect health. Her mother, instead of taking proper advice on this subject, permitted her to roam about at will near the scene of excitement and the result was as stated.

It is a matter of profound satisfaction to those interested in the subject of mental alienation that our judges are more and more exhibiting a disposition to master the topic of insanity. Judge Lawrence, who presided on the second trial of the Anderson Will Case developed a knowledge of this interesting question, so profound and varied, that it challenged the attention of all connected with the cause. The spectacle of this superb *nisi prius* judge, learned, courteous and impartial, holding firmly the scales between the parties to this important controversy, deciding instantaneously the most complicated questions of law and medical jurisprudence, patient to forbearance, yet stern in justice and the administration of the law, will never pass from the recollection of those who beheld it.